

IC 14-34

ARTICLE 34. SURFACE COAL MINING AND RECLAMATION

IC 14-34-1

Chapter 1. General Provisions

IC 14-34-1-1

Application of article

Sec. 1. This article applies to the following:

- (1) A person who engages in surface coal mining operations, whether or not the person has a permit.
- (2) An agency, a unit, or an instrumentality of federal, state, or local government, including a publicly owned utility or publicly owned corporation of federal, state, or local government, that proposes to engage in surface coal mining operations.

As added by P.L.1-1995, SEC.27.

IC 14-34-1-2

Exemptions from article

Sec. 2. This article does not apply to any of the following activities:

- (1) The extraction of coal by a landowner for the landowner's own noncommercial use from land owned or leased by the landowner.
- (2) The extraction of coal as an incidental part of federal, state, or local government financed highway or other construction under rules established by the commission.

As added by P.L.1-1995, SEC.27.

IC 14-34-1-3

Purpose of article

Sec. 3. It is the purpose of this article to do the following:

- (1) Implement and enforce the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 1328).
- (2) Establish a statewide program to protect society and the environment from the adverse effects of surface coal mining operations.
- (3) Assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances to the land are fully protected from surface coal mining operations.
- (4) Assure that surface mining operations are not conducted where reclamation as required by this article is not feasible.
- (5) Assure that surface coal mining operations are conducted so as to protect the environment.
- (6) Assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations.
- (7) Assure that the coal supply essential to the nation's energy

requirements and economic and social well-being is provided and strike a balance between protection of the environment and agricultural productivity and the nation's need for coal as an essential source of energy.

(8) Promote the reclamation of mined areas left without adequate reclamation before August 3, 1977, and that continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public.

(9) Assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the state.

(10) Wherever necessary, exercise the full reach of state constitutional powers to ensure the protection of the public interest through effective control of surface coal mining operations.

As added by P.L.1-1995, SEC.27.

IC 14-34-1-4

Requirements less stringent than federal requirements

Sec. 4. (a) It is the purpose of this article to establish requirements that are not more stringent than the requirements required to meet the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 1328).

(b) The director and the commission may not adopt a rule under this article that is more stringent than corresponding provisions under the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 1328).

As added by P.L.1-1995, SEC.27.

IC 14-34-1-5

Limitations on administrative law judge

Sec. 5. Notwithstanding IC 4-21.5-3-25(d), under this article an administrative law judge may not impose conditions upon the participation or testimony of a party or limit discovery, cross-examination, or argument that would cause implementation of this article to be inconsistent with or not in accordance with the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 1328).

As added by P.L.1-1995, SEC.27.